

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Civil Conference
Minute Order

Before: James Orenstein, U.S.M.J.

Date: 7/24/2019, 10:00 a.m.

Stevens Baldo & Lighty, PLLC v. DellUniversita, et al., 18-CV-1600 (MKB) (JO)

Type of Conference: Status

Appearances: Plaintiff Kenneth G. Walsh
Defendants No appearances (unexcused)

Scheduling:

1. The next status conference will be held on September 17, 2019, at 9:30 a.m.
2. A pretrial conference will be held on November 15, 2019, at 9:30 a.m.

Summary:

1. The defendants did not appear in person or through counsel and did not seek leave to be excused. To minimize any prejudice resulting from their failure to appear, I respectfully direct the defendants to secure the minutes of today's proceeding and to certify that they have done so by August 23, 2019.
2. As set forth on the record, I granted in part and denied in part the plaintiff's motion for discovery sanctions. I denied the request for dispositive relief on the ground that the record does not yet show that lesser sanctions will suffice to secure the defendants' compliance with court order and their discovery obligations. Should their non-compliance continue, I will conclude that no remedy short of a default judgment will suffice. I granted the following relief: (a) The defendants shall produce all records within their possession, custody, or control responsive to each outstanding discovery demand, without objection, by July 31, 2019. The defendants shall respond with specificity to each request, identifying the records responsive to each. If any defendant once had responsive records but is no longer able to produce them for any reason, that defendant shall provide an affidavit providing a detailed explanation of the records' disposition. If any defendant claims never to have had records responsive to a request, that defendant shall so certify in an affidavit. If a defendant's responsive records are in the possession of a non-party, the defendant shall identify that non-party with specificity and execute an authorization for that non-party to produce the records to the plaintiff. (b) I preclude the defendants from offering any exhibit or testimony in evidence, or making any argument, in support of the proposition that any or all of them provided fair consideration to PCA Collectibles, Inc. (c) The plaintiff shall submit a bill of costs for the previous motion costs I ordered the defendants to reimburse, as well as for the reasonable costs associated with the motion for sanctions. The defendants may object to specific claimed costs, hours, or hourly rates within three business days.

SO ORDERED

/s/
James Orenstein
U.S. Magistrate Judge